

REMARKS

Claims 1 - 15 are pending in the present application. Reconsideration of the application is respectfully requested.

In section 1 of the Office Action, claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description. Applicant is amending claim 9 to address this rejection.

The specification, in a passage at page 7, lines 2 – 5, states that embodied by one or more suitable software programs, which can be stored on or otherwise provided by any kind of data carrier, and which might be executed in or by any suitable data processing unit. Thus, the specification provides support for a **storage** medium, comprising a **program** that is **executable** in a processor, as recited in claim 9.

Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. 112 rejection of claim 9.

In section 2 of the Office Action, claims 1 – 15 are rejected under 35 U.S.C. 101. Applicant is traversing this rejection.

According to the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility in OG Notice 22 NOV 2005 (hereinafter “the Guidelines”), to be eligible for patent protection, a claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result.

Claim 1 provides for a method for correcting a measured signal transmitted through a system. The method includes, *inter alia*, recalculating a corrected measured signal. Thus, the corrected measured signal is the result of the method of claim 1.

With regard to being useful, the Guidelines indicate that for an invention to be "useful" it must satisfy the utility requirement of section 101. The corrected measured signal of claim 1 is useful in evaluating systems and components used in the telecommunications industry (see, specification page 1, line 4 – page 2, line 5). Applicant therefore submits that the corrected measure signal satisfies the utility requirement of section 101.

With regard to the result being concrete, the Guidelines indicate that a process must have a result that can be substantially repeatable or the process must substantially produce the same result again. Given a measured signal, the method of claim 1 if executed repeatedly on the measured signal, will yield substantially the same corrected measured signal. Thus, Applicant submits that the corrected measure signal satisfies is concrete.

With regard to the result being tangible, the Guidelines indicate that the result must be a real world result, and that the opposite meaning of "tangible" is "abstract." The corrected measured signal is a result of a processing real world information, and is therefor is not an abstract idea, not a law of nature, and not a natural phenomenon. Accordingly, Applicant submits that the corrected measure signal satisfies is not abstract, and is instead, tangible.

For the reasons provided above, Applicant respectfully submits that the corrected measured signal of claim 1 is a useful, concrete, and tangible result, and that therefore, claim 1 fulfills the requirement of 35 U.S.C. 101.

Claims 2 – 6 depend from claim 1. By virtue of this dependence, claims 2 – 6 also fulfill the requirement of 35 U.S.C. 101.

Claim 7 is an independent claim that provides for a method that includes, *inter alia*, receiving a corrected measured signal. Thus, claim 7 includes a recital similar to that described above for claim 1. Accordingly, for reasoning similar to that provided above in support of claim 1, Applicants submit that claim 7 fulfills the requirement of 35 U.S.C. 101.

Claim 8 is an independent claim that provides for a method that includes, *inter alia*, processing a signal series to determine a characteristic of a measured signal. Applicant respectfully submits that the characteristic of a measured signal, similarly to the corrected measure signal of claim 1, is a useful, concrete and tangible result. Accordingly, for reasoning similar to that provided above in support of claim 1, Applicants submit that claim 8 fulfills the requirement of 35 U.S.C. 101.

Claims 9, 10 and 11 are independent claims, and each includes, similarly to claim 1, a recital of a corrected measured signal. For reasoning similar to that provided above in support of claim 1, Applicants submit that each of claims 9, 10 and 11 fulfills the requirement of 35 U.S.C. 101.

Claims 12 – 15 each depend on one of claims 1, 7, 8 or 11. By virtue of these dependencies, Applicants submit that all of claims 12 – 15 fulfill the requirement of 35 U.S.C. 101.

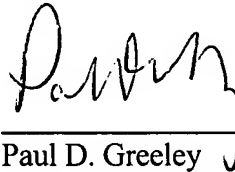
Applicant respectfully requests reconsideration and withdrawal of the section 101 rejection of claims 1 – 15.

In section 3 of the Office Action, claim 9 is rejected under 35 U.S.C. 101 because it recites a data carrier that, according to the Office Action, would include signals. Applicant is amending claim 9 so that rather than being directed toward a data carrier, is instead being directed toward a storage media. Accordingly, Applicants are requesting reconsideration and withdrawal of the 35 U.S.C. 101 rejection of claim 9 set forth in section 3 of the Office Action.

In view of the foregoing, Applicant respectfully submits that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicant respectfully requests

favorable consideration and that this application be passed to allowance.

Respectfully submitted,



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